

92-10188

STATE OF INDIANA
COUNTY OF MARION

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IN THE MARION CIRCUIT COURT
CAUSE NO. 89 AVC 032

IN RE: JACK HARLESS,
d/b/a J & J PLUMBING, INC.,

Respondent.

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} CC AUG 09 1989
FILED

Way & Mowery
CLERK

ASSURANCE OF VOLUNTARY COMPLIANCE

The State of Indiana, by Linley E. Pearson, Attorney General of Indiana and David M. Sommers, Deputy Attorney General, and the Respondent, Jack Harless, and pursuant to IC 24-5-0.5-7(a) hereby enter into an Assurance of Voluntary Compliance ("Assurance").

It is acknowledged that violations of this Assurance constitute prima facie evidence of violations of IC 24-5-0.5-10. This Assurance is entered into without any adjudication of any issue of fact or law and by the consent of the parties.

It is agreed that:

1. Respondent, Jack Harless, is an individual with a mailing address of 10768 W. Washington Street, Indianapolis, Indiana, 46231. This address is also his principal place of business.

2. Respondent acknowledges and admits his responsibility and liability for acts, practices, and methods employed by his employees, agents, and representatives in all aspects, whether expressed or implied, of the promotion and advertisement of the Respondent's business activity.

3. Respondent acknowledges the jurisdiction of the Consumer Protection Division of the Office of the Attorney General to investigate matters hereinafter described, pursuant to the authority of IC 4-6-9-4, IC 24-5-0.5-1 and IC 25-1-7-2.

4. Respondent acknowledges that, pursuant to IC 24-5-0.5-10(1), it is a deceptive act and a violation of Indiana law for any individual in this State to engage in, or offer to engage in, the practice of plumbing as defined by IC 25-28.5-1-2, or to use, in connection with his name, or otherwise assume, or advertise, any title or description tending to convey the impression that he is licensed unless such person is in fact licensed to perform these

activities by the Indiana Plumbing Commission. IC 24-5-0.5-10(1) reads as follows:

10. A supplier commits a deceptive act if the supplier gives any of the following representations, orally or in writing, or does any of the following acts:

(1) Either:

(A) solicits to engage in a consumer transaction without a permit or other license required by law;

(B) solicits to engage in a consumer transaction if a permit or other license is required by law to engage in the consumer transaction and the supplier is not qualified to obtain the required permit or other license or does not intend to obtain the permit or other license; or

(C) engages in a consumer transaction without a permit or other license required by law.

5. Further, Respondent acknowledges that, pursuant to

IC 25-28.5-1-27.1(b):

(b) a licensee shall conduct his practice of plumbing in accordance with the standards established by the commission under section 7(6) of this chapter and is subject to the exercise of the disciplinary sanctions under subsection (e), if, after a hearing, the commission finds:

.....

(6) a licensee has allowed his name or license issued to him under this chapter to be used in connection with any individual who renders services beyond the scope of his training, experience, or competence.

6. Respondent, therefore, agrees to refrain from hiring unlicensed individuals to engage in the practice of plumbing as defined by IC 25-28.5-1-2, until such time as said persons obtain valid licenses to engage in the practice of plumbing from the Indiana Plumbing Commission.

7. Respondent agrees to reimburse the Consumer Protection Division of the Office of the Attorney General for their reasonable costs of investigating this matter in the amount of one hundred fifty dollars (\$150.00), payable to the State of Indiana upon execution of this Assurance and the return thereof to this office.

8. Respondent agrees that the execution of this Assurance does not constitute a waiver of any private cause of action which any individual consumer could assert against the Respondent in a court of competent jurisdiction.

9. Respondent agrees to fully cooperate with the Office of the Attorney General in the resolution of any future complaints received by the Consumer Protection Division.

10. Respondent agrees and consents that neither the Respondent nor his employees, agents, or representatives will make any representations whatsoever which would lead a reasonable person to believe that the Indiana Attorney General or any member of his staff is of the opinion that the activities and operations of the Respondent are in accordance with the laws and rules of this State or that said officials approve or endorse such activities and operations.

11. This Assurance of Voluntary Compliance is to be approved by the Marion Circuit Court and filed with the Clerk of Circuit Court of Marion County as required by IC 24-5-0.5-7. Filing is to be performed by the Office of the Attorney General.

IN WITNESS THEREOF, Jack Harless has signed this in his individual capacity and on behalf of all other partners, employees, agents, representatives, successors, and assigns, and agrees to the faithful performance of this Assurance of Voluntary Compliance, and David M. Sommers, Deputy Attorney General, has signed this document on behalf of the State of Indiana.

STATE OF INDIANA

RESPONDENT

LINLEY E. PEARSON
Attorney General of Indiana

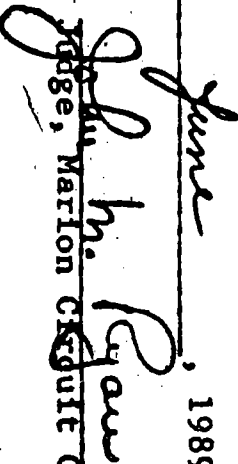
By: 
David M. Sommers
Deputy Attorney General


Jack Harless, Individually

APPROVED this 26 day of June, 1989.

Office of Attorney General
219 State House

Indianapolis, Indiana 46204
Telephone: (317) 232-0169
RGW/dmf:2452q


Judge, Marion Circuit Court



J. & J. PLUMBING, INC.

JACK HARLESS

839-5113

10768 W. WASHINGTON STREET

INDIANAPOLIS, IND. 46231

21940

June 26 1989

71-550
749

PAY
TO THE
ORDER OF

State of Indiana

\$ 150.00

ONE HUNDRED FIFTY DOLLARS

DOLLARS

BANK ONE

BANK ONE, PLAINFIELD, NA
Plainfield, Indiana 46168

FOR Office of Attorney General

Jack Harless

⑈021940⑈ ⑈071905500⑈ 010 815 6⑈

RECEIPT

OFFICE OF ATTORNEY GENERAL
CONSUMER PROTECTION DIVISION
219 STATE HOUSE
INDIANAPOLIS, INDIANA 46224

LINLEY E. PEARSON
ATTORNEY GENERAL

This will acknowledge receipt of your registration application for professional fundraiser consultant/professional solicitor pursuant to IC 23-7-8.

Received from

J & J Plumbing (Jack Harless)

the sum of *One Hundred Fifty* dollars. \$ *150.00*

Date of receipt *7/6/89*

Deputy Attorney General